

U.S. Department of Justice



United States Attorney
Southern District of New York

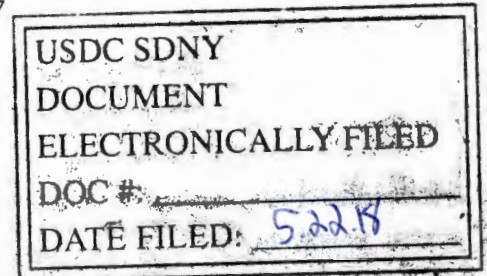
86 Chambers Street, 3rd Floor
New York, New York 10007

MEMO ENDORSED

May 21, 2018

BY ECF

Hon. Laura T. Swain, United States District Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312



Re: *Dollareatha Edwards v. Robert Wilkie*,¹ Docket No. 16 Civ. 8031 (LTS)

Dear Judge Swain:

This Office represents defendant Robert Wilkie in the above-referenced case. I write respectfully to request clarification of the Court's May 9, 2018, Order (Dkt. No. 34), and to update the Court regarding the status of discovery.

On May 4, 2018, Plaintiff submitted a letter requesting, with Defendant's consent, a 45-day extension of the deadline for fact discovery in this case. As the prior fact discovery deadline was May 4, 2018 (*see* Dkt. No. 32), the requested extension was to June 18, 2018. On May 9, 2018, the Court endorsed Plaintiff's letter, ordering: "The requested extension is granted. No further extensions. The dispositive motion deadline is extended to June 8, 2018, and the final pretrial conference is adjourned to October 12, 2018, at 11:30 AM and the related deadlines are modified accordingly." (Dkt. No. 34.) Pursuant to the Court's October 17, 2017, Pre-Trial Scheduling Order, expert discovery was to be completed by May 26, 2018; dispositive motions were to be filed on or before June 29, 2018; and the final pretrial conference was scheduled for September 28, 2018. (Dkt. No. 29.) In light of the fact that June 8, 2018, is earlier than the prior deadline for dispositive motions and the date to which the fact discovery deadline appears to have been extended, Defendant respectfully requests clarification of the current deadlines for fact discovery, expert discovery, and dispositive motions.

Additionally, Defendant recognizes that the Court's May 9, 2018, Order states that there will be no further extensions of discovery. While Defendant hopes to be able to complete fact discovery by June 18, 2018, Plaintiff has not yet provided responses to Defendant's first set of interrogatories and document requests, which were served on March 7, 2018, and thus due by

¹ Robert Wilkie was named Acting Secretary of Veterans Affairs on March 28, 2018, and is thus the appropriate defendant in this case, replacing David J. Shulkin.

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April 6, 2018, despite repeated requests for those responses.² Because Defendant has not yet received those responses, Defendant has not yet been able to take Plaintiff's deposition. Plaintiff's responses to Defendant's discovery requests and her deposition may necessitate follow-up discovery. While Plaintiff's deposition is currently scheduled for May 29, 2018, it may not be possible to complete any follow-up discovery that may be required by June 18, 2018, though Defendant will make every effort to do so. In the event that it is not possible to complete fact discovery by June 18, 2018, Defendant respectfully requests that Defendant be permitted to seek an extension.

Respectfully,

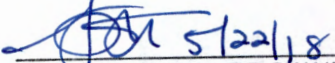
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cc: Counsel of Record (via ECF)

The May 9, 2018 endorsed order (DE #31) is vacated. The fact discovery deadline is extended to June 18, 2018. The expert discovery deadline is extended to August 24, 2018. The dispositive motion deadline is extended to September 28, 2018. The final pretrial conference is adjourned to December 7, 2018, at 11:30 AM and the related deadlines are modified accordingly. Any further extensions will be for good cause shown only. DE #35 resolved.

SO ORDERED:


HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

² Plaintiff's counsel has indicated that she intends to serve Plaintiff's responses to Defendant's discovery requests today. If Plaintiff's counsel does not do so, or those responses are inadequate, Defendant intends to file a pre-motion letter seeking leave to move to compel.